

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 18-cr-20089-02

Hon. Matthew F. Leitman

v.

KHALED BILAL HASSAN,

Defendant.

**ORDER DENYING WITHOUT PREJUDICE DEFENDANT’S MOTION
FOR RELEASE FROM CUSTODY (ECF No. 99) AND AMENDED
MOTION FOR RELEASE FROM CUSTODY (ECF No. 100)**

On May 29, 2020, Defendant Khaled Bilal Hassan filed a Motion for Compassionate Release (ECF No. 99). On May 30, 2020, Hassan filed an Amended Motion for Compassionate Release (ECF No. 100), and his original motion was stricken from the record.

Under 18 U.S.C. § 3582(c)(1)(A), a defendant may not file a motion for compassionate release until “after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier.” In Hassan’s motion, he acknowledges that he has not satisfied either requirement. (*See* Am. Mot. for

Compassionate Release, ECF No. 100, PageID.803.) But Hassan argues that “in this instance exhaustion is not required.” (*Id.*)

On June 2, 2020 – three days after Hassan filed his amended motion – the Sixth Circuit clarified that the exhaustion requirement in § 3582(c)(1)(A) is “mandatory” and is not subject to any “judge-made exceptions.” *United States v. Alam*, --- F.3d ---, 2020 WL 2845694, at *2–4 (6th Cir. June 2, 2020). Thus, before Hassan can file a motion for compassionate release in this Court, he must either (1) exhaust his administrative remedies or (2) wait until 30 days have lapsed since the warden at his facility received his request for compassionate release.

Accordingly, the Court **DENIES WITHOUT PREJUDICE** Hassan’s Motion for Compassionate Release (ECF No. 99) and his Amended Motion for Compassionate Release (ECF No. 100). Hassan may re-file a motion for compassionate release in this Court after he has complied with § 3582(c)(1)(A), at which point the Court will consider the merits of Hassan’s motion.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: June 12, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 12, 2020, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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